

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|---|-------------|--------------------|
| Applicant: | LABEEB ET AL. | Art Unit: | 2421 |
| Serial No.: | 09/893,192 | Docket No.: | METABYTE-1 |
| Filed: | June 27, 2001 | Examiner: | Parra, Omar |
| For: | METHOD AND APPARATUS FOR DELIVERY OF TELEVISION PROGRAMS AND TARGETED DE-COUPLED ADVERTISING | | |

**REQUEST FOR EXCUSAL OF ERROR IN CLAIMING SMALL ENTITY STATUS AND
PAYMENT OF DEFICIENCY PURSUANT TO 37 CFR 1.28**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In relation to the above referenced application, Small Entity status was established in good faith and Small Entity fees were paid in good faith, with no deceptive intent. Applicants, having discovered in the instant case that small entity status is not appropriate, seek to have their error in claiming small entity status excused.

37 CFR 1.28 provides that if status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, ..., the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section."

As provided in 37 CFR 1.28(c)(2), the deficiency due for each fee erroneously paid as a small entity is the difference between the current fee due and the fee paid erroneously. The Commissioner is hereby authorized to charge a total of \$2,685 to deposit account no. 50-3208, as calculated on the table below.

09/893,192
Request For Excusal of Error Pursuant To 37 CFR 1.28
January 16, 2009

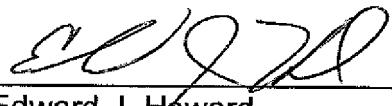
| Date Originally paid | Code | Name | Paid | Current Fee | Difference due |
|----------------------|------|-------------------------------|-------|-------------|-----------------|
| June 27, 2001 | 1202 | Extra Claim charge (20) | \$180 | \$1,040 | \$860 |
| June 27, 2001 | 1203 | Multiple Dependent claims (1) | \$135 | \$390 | \$255 |
| June 27, 2001 | 1001 | Basic filing fee | \$355 | \$850 | \$495 |
| February 28, 2002 | 1254 | Four Month Extension of Time | \$720 | \$1,730 | \$1,010 |
| February 28, 2002 | 1051 | Late filing of Declaration | \$65 | \$130 | \$65 |
| | | Total | | | \$ 2,685 |

Should there be any other fees due and owing, with respect to this application, the Commissioner is authorized to charge such fees or to credit such overpayment to deposit account no. 50-3208.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Dated: January 18, 2009


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